

REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1-2, 4-6, and 8-10 have been rejected. Claim 1 has been amended. Applicants respectfully request reconsideration of the application in view of the following remarks submitted in support thereof.

Examiner Failed to Address Claim 11

Applicants added claim 11 in an Amendment mailed on June 17, 2002. However, the Examiner never objected to or rejected claim 11. Claim 11 is fully supported in Figure 4 and page 10, line 12 – page 11, line 13 of the detailed description. Thus, Applicants respectfully request the Examiner to address claim 11.

Claim Rejections – 35 U.S.C. §112

The Examiner has rejected claims 1-2, 4-6, and 8-10 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Although the Applicants believe that appropriate wording is provided, the Applicants have amended claim 1 to clarify that the divider is disposed between the first surface and the second surface. The amendment is fully supported in Figure 3 and page 9, lines 4-5 of the detailed description. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §112, first paragraph, rejection.

Anticipation Rejections under 35 U.S.C. §102(e)

The Examiner has rejected claims 1-2, 4-6, and 8-10 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,019,165 to Batchelder. For the reasons put forth below,

Applicants respectfully assert that Batchelder fails to identically disclose each and every feature specified in independent claim 1.

Independent claim 1 defines a device for transferring heat away from a heat source. In the device defined in claim 1, a pump is proximate to an edge of a base. In support of the 35 U.S.C. §102(e) rejection, the Examiner noted that Batchelder teaches “a pump (54) proximate top edge of the base (edge formed by the second surface (26))” (see Final Office Action mailed August 12, 2003 at page 3). Applicants respectfully traverse the Examiner’s characterization of Batchelder relative to claim 1 because portions of the reference relied upon by the Examiner (Figure 2) do not teach the pump proximate to the edge of the base. In particular, Figure 2 illustrates an impeller (54) “trapped inside the active thermal spreader plate” (Abstract, lines 6-7). As illustrated, the impeller is centrally located inside the thermal spreader plate and is trapped between the top surface (26) and lower surface (24) (Figure 2 and col. 4, lines 38-40). In contrast, independent claim 1 defines the pump proximate to the edge of the base. The top and lower surface of the active thermal spreader plate disclosed in Batchelder are oriented parallel to each other and do not intersect to form any edges. Since the impeller is centrally located and is therefore not proximate to any edges of the top or lower surface, Batchelder cannot reasonably be considered to teach the device where the pump is proximate to the edge of the base, as defined in independent claim 1.

As Batchelder fails to teach each and every element of the claimed invention, the Applicants respectfully submit that independent claim 1 is patentable under 35 U.S.C. § 102(e) over Batchelder. Further, dependent claims 2, 4-6, and 8-10, each of which directly or indirectly depends from independent claim 1 are submitted to be patentable under 35 U.S.C. § 102(e) over Batchelder for the reasons set forth above. As a result, the Applicants

respectfully request the Examiner to withdraw the 35 U.S.C. § 102(e) rejections for claims 1-2, 4-6, and 8-10.

Conclusion

In view of the foregoing, the Applicants respectfully submit that all the pending claims 1-2, 4-6, and 8-11 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP302). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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